

**K C J I S N E W S**

AUGUST 2012

REPORTING MULTIPLE WARRANTS AND/OR CHARGES ON A FINGERPRINT CARD. BY: SHERI SHARP\KBI**INSIDE THIS ISSUE:**

REPORTING MULTIPLE WARRANTS	2
KSORT	3
OFFENDER REGISTRATION	3
OFFENDER REGISTRATION MARKING ONDL	4
CHANGES TO KORA	4-5
MISC OFFENDER REGISTRATION NEWS	5
OFFENDER REGISTRATION TRAINING	5-6
KBI STATUE FILE	6
HELPFUL AUDIT FINDINGS	6-7
REPORTING DOMESTIC VIOLENCE	7
NEWSLETTER EMAILS	7
PRESCRIPTION FRAUD EXAMPLE	8-11
KBI HELPDEKS NEWS	10-13
FREQUENTLY ASKED QUESTIONS	14-18

ARREST TEN-PRINT CARD:

When a law enforcement agency arrests a subject for a charge pending in another jurisdiction such as a warrant, then you will be listing both your agencies' charges and the warrant charges on the same arrest fingerprint card.

For Example:

If you have:

Agency A (Your agency) – 1 count DUI

Agency B – warrant arrest for Theft

Agency C – warrant arrest for Burglary

You would report the charges as:

CT 1. 08-1567 DUI

CT 2. 21-3701 Theft

CT 3. 21-3715 Burglary

KDR:

A copy of the KDR will be forwarded to the other agencies' prosecutors who will be disposing of their charge. All three KDR's will use the same transaction number.

How do I report on the KDR when there is more than one case number for one arrest?

- The FIRST option is to write the first case number, the charges and sentencing information on the numbered KDR form. For the second case number you will need to get an un-numbered KDR form and write the same transaction number on the form with the second case number, charges and sentencing information. Continue this process for each case number that is reported for that arrest.
- The SECOND option is to photo copy the numbered KDR before you write any information on the form. On the original form write the first case number, charges and sentence. On the photo copy write the second case number, charges and sentence. Continue this process for each case number that is reported for that arrest.

Continued on page 2

REPORTING MULTIPLE WARRANTS AND/OR CHARGES ON A FINGERPRINT CARD. BY: SHERI SHARP\KBI-CONTINUED

AN EXAMPLE OF THE KDR'S REPORTED TO THE KBI FROM THE ARREST ABOVE:

KDR REPORTED BY AGENCY A:

Transaction No. 300010000054

Subject & Offense Data		Last Name		First Name		Middle Name		Suffix		Date of Birth		Sex		Race		SSAN	
		SUNSHINE		SUZIE		MAY				08/08/1984		F		W		000-00-0000	
		Arresting Agency ORI		Arresting Agency Name		Date of Arrest		Agency Case #		Juvenile Waived to Adult (date)							
		KS000000		ARRESTING AGENCY A		05/12/2011		99-9999									
Prosecutor's Actions		Prosecutor ORI		Case Filed		Court Case #		Date Diverted		Date Diversion Revoked		Date Case Dismissed					
		PROSECUTOR A		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		11CR00999											
		Date of Filing or Dedication		Court ORI		Diversion		Length		Date Early Termination		Case Dismissal		Dismissed By			
		05/12/2011		AGENCY A (COURT)				____ Mos.				<input type="checkbox"/> Prosecutor <input type="checkbox"/> Court		<input type="checkbox"/> With Prejudice <input type="checkbox"/> Without Prejudice			

Arrested/Filed/Amended Charges										Charge Disposition
K.S.A. Title-Section	Subsections	F	M	A	C	S	Firearm Used	DV	Description	Number of Counts
1 21-1567							N	N	DUI	1
1A 21-1567							N	N	DUI	1 01
2 21-3701							N	N	THEFT	1 60
2A										
3 21-3715							N	N	BURGLARY	1 60
3A										

KDR REPORTED BY AGENCY B:

Transaction No. 300010000054

Subject & Offense Data		Last Name		First Name		Middle Name		Suffix		Date of Birth		Sex		Race		SSAN	
		SUNSHINE		SUZIE		MAY				08/08/1984		F		W		000-00-0000	
		Arresting Agency ORI		Arresting Agency Name		Date of Arrest		Agency Case #		Juvenile Waived to Adult (date)							
		KS000000		ARRESTING AGENCY A		05/12/2011		99-9999									
Prosecutor's Actions		Prosecutor ORI		Case Filed		Court Case #		Date Diverted		Date Diversion Revoked		Date Case Dismissed					
		PROSECUTOR B		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		11CR00111											
		Date of Filing or Dedication		Court ORI		Diversion		Length		Date Early Termination		Case Dismissal		Dismissed By			
		03/27/2011		AGENCY B (COURT)				____ Mos.				<input type="checkbox"/> Prosecutor <input type="checkbox"/> Court		<input type="checkbox"/> With Prejudice <input type="checkbox"/> Without Prejudice			

Arrested/Filed/Amended Charges										Charge Disposition
K.S.A. Title-Section	Subsections	F	M	A	C	S	Firearm Used	DV	Description	Number of Counts
1 21-1567							N	N	DUI	1 60
1A										
2 21-3701							N	N	THEFT	1
2A 21-3701							N	N	THEFT	1 01
3 21-3715							N	N	BURGLARY	1 60
3A										

KDR REPORTED BY AGENCY C:

Transaction No. 300010000054

Subject & Offense Data		Last Name		First Name		Middle Name		Suffix		Date of Birth		Sex		Race		SSAN	
		SUNSHINE		SUZIE		MAY				08/08/1984		F		W		000-00-0000	
		Arresting Agency ORI		Arresting Agency Name		Date of Arrest		Agency Case #		Juvenile Waived to Adult (date)							
		KS000000		ARRESTING AGENCY A		05/12/2011		99-9999									
Prosecutor's Actions		Prosecutor ORI		Case Filed		Court Case #		Date Diverted		Date Diversion Revoked		Date Case Dismissed					
		PROSECUTOR C		<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		10CR00888											
		Date of Filing or Dedication		Court ORI		Diversion		Length		Date Early Termination		Case Dismissal		Dismissed By			
		09/27/2010		AGENCY C (COURT)				____ Mos.				<input type="checkbox"/> Prosecutor <input type="checkbox"/> Court		<input type="checkbox"/> With Prejudice <input type="checkbox"/> Without Prejudice			

Arrested/Filed/Amended Charges										Charge Disposition
K.S.A. Title-Section	Subsections	F	M	A	C	S	Firearm Used	DV	Description	Number of Counts
1 21-1567							N	N	DUI	1 60
1A										
2 21-3701							N	N	THEFT	1 60
2A										
3 21-3715							N	N	BURGLARY	1
3A 21-3715							N	N	BURGLARY	1 01



KANSAS OFFENDER REGISTRATION TOOL

JESSICA DULTMEIER - KBI

New changes coming to the KBI Offender Registration Website and database! This fall the KBI will be releasing KsORT (Kansas Offender Registration Tool). KsORT will act as the official database and website for all registered offenders in the state of Kansas. KsORT is a free database that is accessible through the KCJIS web portal. A few of

the benefits to KsORT is the automatic NCIC entry and validations for sex offenders, electronically submit registration forms, access to all offender records whether they are open, restricted, or juvenile records, and many, many additional advantages that will aid in registering offenders. The KBI plans to release KsORT to interested agencies from

September to December. In order to receive access to KsORT agencies must first attend a KBI provided KsORT training. Please stay tuned to KCJIS for KsORT training schedules or email jessica.dultmeier@kbi.state.ks.us to be added to the KsORT training emails.



OFFENDER REGISTRATION—TRANSIENT OFFENDERS

JESSICA DULTMEIER - KBI

Transient Offenders

Often times the KBI Offender Registration Unit will receive calls from registering agencies in regards to transient offenders. Questions range from what is a transient offender to when do transient offenders register. Transient offenders must follow the same guidelines as non-transient offenders; in addition transient offenders are to report in person to the registering law enforcement agency every 30 days or more if warranted by the registering agency. Please see the below definition of transient offenders and what duties in addition to the KORA they must follow:

K.S.A. 22-4905(b) Transient offenders are defined as having no fixed or identifiable residence. If the offender is transient, report in person to the registering law enforcement agency of such county or location of jurisdiction in which the offender is physically present within three business days of arrival in the county or location of jurisdiction. Such offender shall be required to register in person with the registering law enforcement agency every 30 days, or more often at the discretion of the registering law enforcement agency. Such offender shall comply with the provisions of the Kansas offender registration act and, in addition, shall

(1) Provide a list of places where the offender has slept and otherwise frequented during the period of time since the last date of registration; and

(2) Provide a list of places where the offender may be contacted and where the offender intends to sleep and otherwise frequent during the period of time prior to the next required date of registration;

Transient offenders are defined as having no fixed or identifiable residence.

REGISTERED OFFENDER MARKING ON KANSAS DL/ID

JESSICA DULTMEIER—KBI

Obtaining a registered offender driver's license or ID card can be a multi-step/multi-agency process. For offenders who have ever had a Kansas DL or ID, they will need to provide their "K number" listed on the driver's license or ID, even if that license is currently expired. This K number is located below the picture on the ID and has the letter 'K' followed by an 8 digit number. Please record the K number onto the registration form under Vehicle Information, Driver's License/ID Number. The next step in this process is to forward on the registration form to the

KBI. After 48 hours from when the KBI entered the offender's registration form into the database an offender should be able to obtain a registered offender DL or ID.

For offenders who have never had a Kansas driver's license or ID card they must first report to a DMV, state they are a registered offender and need to obtain a K number. The DMV will provide a K number to the offender; the offender is to then provide the K number to the registering agency where they will then forward the K number to the KBI.

48 hours after the KBI enters the offender's registration form into the database an offender should be able to obtain a registered offender DL or ID.



CHANGES TO THE KORA AS A RESULT OF HOUSE BILL 2568

JESSICA DULTMEIER—KBI

The following are significant changes made to the KORA as a result of House Bill 2568; changes went into effect July 1, 2012.

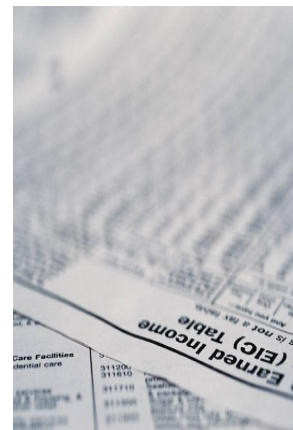
- At the time of conviction or adjudication the court shall inform offender of duty to register
- Definition changed for reside, school, employment- now required for three or more consecutive days or for ten or more non-consecutive days in a 30 day period
- Court no longer registers the offender, required to complete duty to register form- include title and statute number of conviction or adjudication and other identification data. Provide a copy of the notice of duty to register to the offender and, within three business days, send a copy of the form to the law enforcement agency having initial jurisdiction and to the Kansas Bureau of Investigation
- Offenders who travel outside the US must report in person to the registering agency and provide written notice to the KBI with the following information: itinerary with destination, means of travel, and duration of travel, The registering agency may require additional information as deemed appropriate
- Sexual battery is no longer considered a sexually violent crime. Therefore, juveniles adjudicated of sexual battery are only required to register if the offense is found to be sexually motivated or if otherwise ordered by the Court to register.
- Expungement- no longer ends the registration requirement but their information will be restricted from public website
- Post employment information can no longer be on any public websites but it is still available upon request from the registering agency or via the KBI Community Notification System

Continued on page 5

CHANGES TO THE KORA AS A RESULT OF HOUSE BILL 2568

JESSICA DULTMEIER—KBI—CONTINUED

- Aggravated human trafficking is no longer restricted to crimes with a victim under the age of 18.
- Volunteer work counts as employment and should be reported on registration forms
- KBI will transmit NCIC entries and complete validations through KsORT.
- Treatment facilities and hospitals have been removed from the list of registering entities. Treatment facilities are entities providing inpatient mental health, drug or alcohol treatment or counseling. Within 3 days of arrival at a treatment facility, offenders are to inform staff they are a registered offender. The facility is then to inform the local registering agency a registered offender is receiving treatment.



MISCELLANEOUS OFFENDER REGISTRATION NEWS

JESSICA DULTMEIER—KBI

On the employer address of the registration form, please list the work site of where the offender is physically working, do not list the employer's home office address.

On the education portion of the registration form, please do not report online courses.

Only report a school where the offender physically attends.

When an offender completes a KS Offender Registration form or KS Offender Registration Change of Information form with your agency and

you forward the form to us by mail, fax or in person, please do not send the same information to us by e-mail. Upon receipt of the form(s), the information will be updated in the Offender Registration database.

Only report a school where the offender physically attends.

OFFENDER REGISTRATION TRAININGS AND OFFENDER REGISTRATION WORK GROUP

JESSICA DULTMEIER—KBI

Offender Registration has an upcoming training; topics to be covered are the duties of all registering entities and offenders. Additionally participants will learn about KsORT (Kansas Offender Registration Tool), the KBI's new offender registration database and all it has to offer. NCIC training will not be provided by the KBI Offender Registration Unit. Please contact Kansas Highway Patrol in regards to NCIC questions. Target audience: Kansas Sheriff's Offices, County Jails, Kansas Department of Corrections (adult and juvenile), Courts, Probation and Parole Officers, and County/District Attorneys with the primary responsibility of registering offenders.

Training will be held in Yates Center at the 4-H Community Building 713 S Fry Yates Center, Kansas Wednesday September 19th 8:30-noon. Register with Jancy Hunter, Jancy.hunter@kbi.state.ks.us or 785-296-7404

OFFENDER REGISTRATION TRAININGS AND OFFENDER REGISTRATION WORK GROUP

JESSICA DULTMEIER—KBI—CONTINUED

The Offender Registration Working Group (ORWG), is a multidisciplinary group consisting of representatives from law enforcement, prosecution, courts, community corrections, defense attorneys, the Kansas Juvenile Justice Authority, and the Kansas Department of Corrections. Meetings are held at least quarterly but as often as deemed necessary. The ORWG is responsible for making suggestions and changes to the KORA. If you are interested in attending an ORWG meeting please contact Jessica.Dultmeier@kbi.state.ks.us and you will be put on the distribution list. The next ORWG meeting is scheduled for Wednesday, September 26th at 1:00 in Butler county, 12991 SW HWY 54 August, Kansas 67010 (August Airport and Butler County Tag Office).



KBI STATUTE FILE BY LESLIE MOORE

The KBI released the most recent version of the statute file on July 25, 2012. The release includes updates from the 2012 legislative session for statutes that went into effect on July 1, 2012 and those that go into effect on January 1, 2013. The file can be downloaded from the KCJIS web portal in the Services and Info tab. If you prefer to have the file emailed to you please email Leslie Moore at leslie.moore@kbi.state.ks.us.

HELPFUL AUDIT FINDINGS SARA FOSTER—KBI

The Kansas Incident Based Reporting Section is well into its first year of on-site audits. Below are helpful hints that have been compiled from those audits.

Submit all reportable Arrest Reports:

- If the Arrest is for an Offense Report from your jurisdiction, submit an Arrest Report. This is true even if your agency did not enact the physical arrest.
- Submit an Arrest Report if your agency issues a notice to appear (NTA) or summons for a reportable offense such as minor in possession, DUI, transporting open container, worthless check. This is required even if you did not physically arrest the subject.

Submit all reportable Offense Reports:

- Check the KIBRS Handbook to see if the crime is reportable
- Check the statute file or Quick Search Statutes to see if the crime is reportable
- Found drugs require an Offense Report even without a known suspect
- An Offense Report is required for reportable offenses even when the victim does not wish to press charges. If the crime occurs and it's reportable, it requires an Offense Report.

HELPFUL AUDIT FINDINGS

SARA FOSTER—KBI—CONTINUED

Double-check property codes:

- Review the 2012 KIBRS Handbook. Property codes did change.
- More descriptions were added to property codes
- Some property items were added to existing property codes

Provide full identifiers:

- Full names including middle name
- Full physical identifiers even height, weight, hair and eyes

If you have any questions please don't hesitate to contact Sara Foster, sara.foster@kbi.state.ks.us or 785-296-8278, Donna Sheldon, donna.sheldon@kbi.state.ks.us or 785-296-4373, or Janell Zeiler, janell.zeiler@kbi.state.ks.us or 785-296-8279.

REPORTING DOMESTIC VIOLENCE IN KIBRS

BILL REID - KBI

While reviewing the 2011 KIBRS data, it appears there are still inconsistencies with reporting incidents and arrests of Domestic Violence.

- The Incident Activity field must show Domestic Violence or Domestic Violence-Children Present on ANY incident reporting the Domestic Battery statute. Just because this statute

is entered does not “flag” the report as DV.

- Anytime an arrest is made related to an offense report that is flagged DV, the corresponding arrest report must also be flagged DV.
- We also receive a large number of incidents of assault or battery among spouses, ex-spouses, boyfriend/girlfriend or other family members that

are not flagged domestic violence.

These situations are almost always DV.

Feel free to contact the KIBRS Unit with any questions you have regarding the reporting of domestic violence incidents or arrests.

NEWSLETTER EMAILS

If you know of anyone that would benefit from reading the KCJIS Newsletter please have them submit their email address to Jancy Hunter at jancy.hunter@kbi.state.ks.us.



PREScription FRAUD EXAMPLE SARA FOSTER—KBI

Is it? Isn't it? It is! But how do I do it...

The Kansas Incident Based Reporting Section wants to offer some help when determining, and then reporting, a case of unlawfully obtaining a prescription only drug.

In order for a case to qualify under the "unlawful obtaining a prescription" statute, the suspect must

have forged a prescription that was not issued and/or
called in a prescription that was not issued and/or
altered a prescription issued and/or
represent themselves falsely as the individual issued the prescription

If your scenario does not include any of the above 4 factors, the report is a simple illegal possession of drugs

If your scenario matches the qualifying factors for the Unlawful Obtaining a Prescription Only Drug, the Kansas Standard Offense Report will look like this (in the interest of space saving, the incident, M.O. and suspect sections are left off because they carry no unique reporting requirements for this scenario):

To start, there are two offenses. One of those offenses will be the unlawful obtaining charge.

CHAPTER 21	SECTION 5708	SUB 1 c	SUB 2 1	<input type="checkbox"/> ATTEMPTED <input checked="" type="checkbox"/> COMPLETED	<input type="checkbox"/> AID / ABET <input type="checkbox"/> CONSPIRACY <input type="checkbox"/> SOLICITATION
DESCRIPTION Unlawful obtaining prescription only drug					
PREMISE 25	# OF PREM.	HATE/BIAS 88	CAMPUS CODE	METHOD OF ENTRY F. <input type="checkbox"/> FORCE N. <input type="checkbox"/> NO FORCE	
TYPE OF THEFT M. <input type="checkbox"/> COIN MACHINE B. <input type="checkbox"/> FROM BUILDING A. <input type="checkbox"/> M V PARTS & ACC. L. <input type="checkbox"/> SHOPLIFTING P. <input type="checkbox"/> POCKET-PICKING S. <input type="checkbox"/> PURSE SNATCHING E. <input type="checkbox"/> EMBEZZLEMENT T. <input type="checkbox"/> POSS. STOLEN PROP. V. <input type="checkbox"/> MOTOR VEHICLE F. <input type="checkbox"/> THEFT FROM M V O. <input type="checkbox"/> ALL OTHER N. <input type="checkbox"/> NOT APPLICABLE				TYPE OF FORCE / WEAPON 11. <input type="checkbox"/> FIREARM <input type="checkbox"/> AUTO 12. <input type="checkbox"/> HANDGUN <input type="checkbox"/> AUTO 13. <input type="checkbox"/> RIFLE <input type="checkbox"/> AUTO 14. <input type="checkbox"/> SHOTGUN <input type="checkbox"/> AUTO 15. <input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> AUTO 20. <input type="checkbox"/> KNIFE / CUT INSTR. 30. <input type="checkbox"/> BLUNT OBJECT 35. <input type="checkbox"/> MOTOR VEHICLE 40. <input type="checkbox"/> PERSONAL WEAPON 50. <input type="checkbox"/> POISON 60. <input type="checkbox"/> EXPLOSIVE 65. <input type="checkbox"/> FIRE / INCID / DEVICE 70. <input type="checkbox"/> DRUGS / NARC. 85. <input type="checkbox"/> ASPHYXIATION 90. <input type="checkbox"/> OTHER 95. <input type="checkbox"/> UNKNOWN 99. <input type="checkbox"/> NONE	
OFFENDER SUSPECTED OF USING (SELECT UP TO 3) A. <input type="checkbox"/> ALCOHOL C. <input type="checkbox"/> COMPUTER EQUIP. D. <input type="checkbox"/> DRUG / NARCOTICS N. <input checked="" type="checkbox"/> NOT APPLICABLE					
TYPE OF CRIMINAL ACTIVITY (SELECT UP TO 3) B. <input type="checkbox"/> BUYING / RECEIVING C. <input type="checkbox"/> CULT / MANU / PUBL D. <input type="checkbox"/> DIST / SELLING E. <input type="checkbox"/> EXPLOIT. CHILDREN O. <input type="checkbox"/> OPER / PROMOTE / ASSIST P. <input type="checkbox"/> POSSESS / CONCEAL T. <input type="checkbox"/> TRANS / TRANSMIT / IMPORT U. <input type="checkbox"/> USING / CONSUMING J. <input type="checkbox"/> JUVENILE GANG G. <input type="checkbox"/> OTHER GANG N. <input type="checkbox"/> NO GANG INVOLVEMENT					
LOCAL CODE					

The victim of the unlawful obtaining charge will be the doctor, nurse practitioner, or health care provider whose name was used to forge the prescription.

**PRESCRIPTION FRAUD EXAMPLE
SARA FOSTER—KBI—CONTINUED**

TYPE OF VICTIM I. <input checked="" type="checkbox"/> INDIVIDUAL S. <input type="checkbox"/> SOCIETY / PUBLIC B. <input type="checkbox"/> BUSINESS F. <input type="checkbox"/> FINANCIAL INSTITUTION		R. <input type="checkbox"/> RELIGIOUS ORGANIZATION G. <input type="checkbox"/> GOVERNMENT		O. <input type="checkbox"/> OTHER U. <input type="checkbox"/> UNKNOWN		VICTIM OF OFFENSE NUMBER (CIRCLE) 1. 2. 3. 4. 5. 6. 7. 8. 9. 10.				
NAME: LAST Bonebraker		FIRST Jerry		MIDDLE Ronald						
ADDRESS: STREET 123 N Strawberry St		CITY Anywhere		STATE KS		ZIP 66600				
TELEPHONE NUMBER (HOME) 555-3401	RACE W	SEX M	ETHNICITY N	RES. / N-RES. R	AGE 23	DATE OF BIRTH (MMDDCCYY) 6/7/1988	HEIGHT 600	WEIGHT 210	HAIR BRO	EYES BRO
DRIVERS LICENSE NUMBER		D L STATE		EMPLOYER / SCHOOL Dr. Bonebraker Family Care						
TELEPHONE NUMBER (WORK/SCHOOL)		ADDRESS: STREET		CITY		STATE		ZIP		
CIRCUM. AGG ASLT/BATTERY (MAX 2)		VICTIMS RELATIONSHIP TO CORRESPONDING SUSPECT NUMBER (INDICATE ALL SUSPECTS) 1. 2. 3. 4. 5. 6. 7. 8. 9. 10.					TYPE OF INJURY (MAX 5) 1. 2. 3. 4. 5.			

The second offense is a theft by deception. The theft by deception is included because the drugs were obtaining using deceptive measures such as writing a forged prescription.

CHAPTER 21	SECTION 5801	SUB 1 a	SUB 2 2	<input checked="" type="checkbox"/> ATTEMPTED <input checked="" type="checkbox"/> COMPLETED	<input type="checkbox"/> AID / ABET <input type="checkbox"/> CONSPIRACY <input type="checkbox"/> SOLICITATION
DESCRIPTION Theft by deception					
PREMISE 25	# OF PREM.	HATE/BIAS 88	CAMPUS CODE	METHOD OF ENTRY F. <input type="checkbox"/> FORCE N. <input type="checkbox"/> NO FORCE	
TYPE OF THEFT M. <input type="checkbox"/> COIN MACHINE B. <input type="checkbox"/> FROM BUILDING A. <input type="checkbox"/> M V PARTS & ACC. L. <input type="checkbox"/> SHOPLIFTING P. <input type="checkbox"/> POCKET-PICKING S. <input type="checkbox"/> PURSE SNATCHING E. <input type="checkbox"/> EMBEZZLEMENT T. <input type="checkbox"/> POSS. STOLEN PROP. V. <input type="checkbox"/> MOTOR VEHICLE F. <input type="checkbox"/> THEFT FROM M V O. <input type="checkbox"/> ALL OTHER N. <input type="checkbox"/> NOT APPLICABLE				TYPE OF FORCE / WEAPON 11. <input type="checkbox"/> FIREARM <input type="checkbox"/> AUTO 12. <input type="checkbox"/> HANDGUN <input type="checkbox"/> AUTO 13. <input type="checkbox"/> RIFLE <input type="checkbox"/> AUTO 14. <input type="checkbox"/> SHOTGUN <input type="checkbox"/> AUTO 15. <input type="checkbox"/> OTHER FIREARM <input type="checkbox"/> AUTO 20. <input type="checkbox"/> KNIFE / CUT INSTR. 30. <input type="checkbox"/> BLUNT OBJECT 35. <input type="checkbox"/> MOTOR VEHICLE 40. <input type="checkbox"/> PERSONAL WEAPON 50. <input type="checkbox"/> POISON 60. <input type="checkbox"/> EXPLOSIVE 65. <input type="checkbox"/> FIRE / INCID / DEVICE 70. <input type="checkbox"/> DRUGS / NARC. 85. <input type="checkbox"/> ASPHYXIATION 90. <input type="checkbox"/> OTHER 95. <input type="checkbox"/> UNKNOWN 99. <input type="checkbox"/> NONE	
OFFENDER SUSPECTED OF USING (SELECT UP TO 3) A. <input type="checkbox"/> ALCOHOL C. <input type="checkbox"/> COMPUTER EQUIP. D. <input checked="" type="checkbox"/> DRUG / NARCOTICS N. <input type="checkbox"/> NOT APPLICABLE					
TYPE OF CRIMINAL ACTIVITY (SELECT UP TO 3) B. <input type="checkbox"/> BUYING / RECEIVING C. <input type="checkbox"/> CULT / MANU / PUBL D. <input type="checkbox"/> DIST / SELLING E. <input type="checkbox"/> EXPLOIT CHILDREN O. <input type="checkbox"/> OPER / PROMOTE / ASSIST P. <input type="checkbox"/> POSSESS / CONCEAL T. <input type="checkbox"/> TRANS / TRANSMIT / IMPORT U. <input type="checkbox"/> USING / CONSUMING J. <input type="checkbox"/> JUVENILE GANG G. <input type="checkbox"/> OTHER GANG N. <input type="checkbox"/> NO GANG INVOLVEMENT					
LOCAL CODE					

The victim of the theft by deception is going to be the pharmacy where the prescription was passed.

TYPE OF VICTIM I. <input type="checkbox"/> INDIVIDUAL S. <input type="checkbox"/> SOCIETY / PUBLIC B. <input checked="" type="checkbox"/> BUSINESS F. <input type="checkbox"/> FINANCIAL INSTITUTION		R. <input type="checkbox"/> RELIGIOUS ORGANIZATION G. <input type="checkbox"/> GOVERNMENT		O. <input type="checkbox"/> OTHER U. <input type="checkbox"/> UNKNOWN		VICTIM OF OFFENSE NUMBER (CIRCLE) 1. 2. 3. 4. 5. 6. 7. 8. 9. 10.				
NAME: LAST Wal-Mart Pharmacy		FIRST		MIDDLE						
ADDRESS: STREET		CITY		STATE		ZIP				
TELEPHONE NUMBER (HOME)	RACE	SEX	ETHNICITY	RES. / N-RES.	AGE	DATE OF BIRTH (MMDDCCYY)	HEIGHT	WEIGHT	HAIR	EYES
DRIVERS LICENSE NUMBER		D L STATE		EMPLOYER / SCHOOL						
TELEPHONE NUMBER (WORK/SCHOOL)		ADDRESS: STREET		CITY		STATE		ZIP		
CIRCUM. AGG ASLT/BATTERY (MAX 2)		VICTIMS RELATIONSHIP TO CORRESPONDING SUSPECT NUMBER (INDICATE ALL SUSPECTS) 1. 2. 3. 4. 5. 6. 7. 8. 9. 10.					TYPE OF INJURY (MAX 5) 1. 2. 3. 4. 5.			

Continued on page 10

PRESCRIPTION FRAUD EXAMPLE SARA FOSTER—KBI—CONTINUED

The last component of this unique situation is the property. Both the forged prescription and the stolen drugs must be listed on the Kansas Standard Offense Report. It will look something like this:

PROP. DESCRIPTION	TYPE PROPERTY LOSS 1 = NONE 2 = BURNED 3 = COUNTERFEITED / FORGERY 4 = DESTROYED / DAMAGED / VANDALIZED 5 = RECOVERED 6 = SEIZED 7 = STOLEN 8 = UNKNOWN							
	TYPE LOSS	PROPERTY / DRUG CODE	DESCRIPTION / SUSPECTED DRUG TYPE	ESTIMATED QUANTITY	FRACTION	TYPE DRUG MEASURE	VALUE	DATE RECOVERED
	3	0135	Hydrocodone Prescription	1			0	
	7	0927	Hydrocodone	50			\$10	

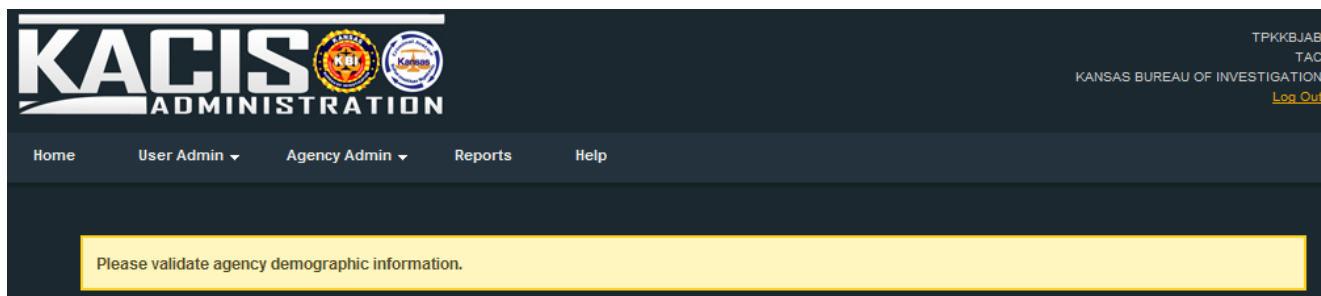
If you have any questions please don't hesitate to contact Sara Foster, sara.foster@kbi.state.ks.us or 785-296-8278, Donna Sheldon, donna.sheldon@kbi.state.ks.us or 785-296-4373, or Janell Zeiler, janell.zeiler@kbi.state.ks.us or 785-296-8279.

NEWS FROM THE KBI HELP DESK

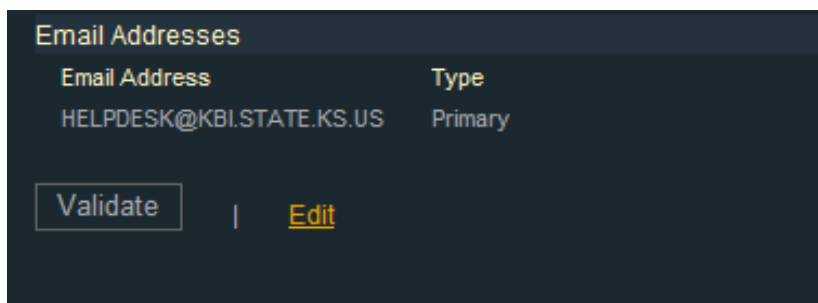
BY WILSON WILEY, JAVIER BARAJAS, AND JEFFREY DOWNING

NLETS AGENCY VALIDATION

Starting August 2, 2012 the annual NLETS agency validation will move to an automated process. 30-days before your agency validation is due, TAC's will be presented with a reminder stating to "Please validate agency demographic information". Below is an example of the reminder.



Once you have reviewed and updated your agency information click on the validation button in the lower left-hand side of the screen.



NEWS FROM THE KBI HELP DESK

BY WILSON WILEY, JAVIER BARAJAS, AND JEFFREY DOWNING – CONTINUED

If changes are needed click the Edit link to make appropriate changes. If updates to your agency information is needed make sure you click the Save button. If you reach the point where your agency validation is overdue, as a TAC you will be required to validate your agency information before navigation to any other screen within KACIS is allowed. Below is the “Agency demographic information validation is required” message. This required message will replace the 30-day reminder message show above.

Agency demographic information validation is required.

KDOR ADVANCED FUNCTIONALITY AND RESPONSE FORMATTING

With the Kansas Department of Revenue’s new vehicle information system implemented in May 2012, the Kansas criminal justice message switch now has the capability to provide enhanced vehicle registration returns to users. This allows for providing more information on vehicles registered in Kansas than was available to law enforcement and criminal justice agencies previously. There is also the possibility of providing wildcard searches and additional fields to query by.

For examples and ideas on changing queries and responses to and from KDOR, there are two new Microsoft PowerPoint presentation documents posted on the KCJIS web portal in the [Help Desk](#) page under the heading ‘Kansas Department of Revenue Modernization Project’. They are:

[KS Central Message Switch – KDOR Vehicle Query Response Formatting](#)

[KS Central Message Switch – KDOR Vehicle Query Advanced Functionality](#)

These presentations are targeted towards any users that have a vested interest in the information available from KDOR either in a dispatching, administrative, or investigative capacity. Ideas for changes and enhancements, along with comments or questions, should be sent to Project Manager Joe Mandala at Joe.Mandala@kbi.state.ks.us. We would like to get all feedback in by August 13.

FIREARMS CHECKS

When running a firearm check for a US citizen a QH or QR using purpose code ‘F’ should be used. But, how do you run a check for a non-US citizen? For any non-US citizen that is trying to acquire a firearm, in possession of a firearm, or requesting a firearm permit, an IAQ check should be ran using the purpose code of ‘F’. When an IAQ is ran using purpose code ‘F’, it will only check the ICE database and will provide the information necessary to make a determination of whether that person is allowed to own or operate a firearm.

TAC ORDERING

There is a new feature in KACIS that allows TACs to set the TAC order (first TAC, second TAC, third TAC). There is a new document for changing the TAC order posted on the KCJIS web portal on the [Help Desk](#) page under the ‘KACIS’ heading.

NEWS FROM THE KBI HELP DESK

BY WILSON WILEY, JAVIER BARAJAS, AND JEFFREY DOWNING – CONTINUED

All agencies should go in and check to make sure that the TAC order is set correctly. The TAC order in KACIS is currently set according to these rules:

- If the TACs were exactly the same in KSmart Web TAC Admin and KACIS, TAC order was migrated straight across.
- If one TAC was no longer active in KACIS, the other TACs moved up a spot and a new TAC was inserted as the 3rd TAC.
- If more than one TAC was no longer active in KACIS, the remaining TAC (if any) moved to the top spot and the rest of the order was determined by hire date.

Any time a change is made in the TAC order, a KCJIS 188 Agency Contact Change Form should be filled out and faxed to the KHP CJIS unit.

CURRENT ISSUES

Hardware Fingerprinting – With the new hardware fingerprinting module put in place on May 9, 2012, we had reports that the license files for a large number of terminals in the state were becoming “corrupted”. After investigation, we found the corrupted licenses were caused by software/virtual network cards on the computer. Microsoft implemented IPv6 (the replacement for the foundation of the internet) into its operating systems starting with Windows Vista and continued in Windows 7. This caused a large number of the corrupted licenses. We have sent a list of software/virtual network cards to CPI and have requested to exclude them when building the license file. CPI is working on making the requested changes.

ENHANCEMENTS

Over the past few months, the following enhancements have been implemented into the message switch and the OpenFox client.

We now have the capability to place web links in the OpenFox Messenger forms tree. There is a folder called ‘Links’ at the top of the forms tree, as well as links placed in relevant locations in the forms tree (ex. DL photos on the KCJIS web portal placed in the forms tree under Driver License Queries – Kansas – Query Kansas Driver License Photo).

We now have a form to take care of submitting the LEO flying armed administrative message instead of manually typing all fields into the Nlets AM form and sending to ORI VAFAM0199. The LEO flying armed form is available in the OpenFox Messenger forms tree in the NLETS Miscellaneous Transactions folder.

National Weather Service severe weather warnings will now show up as red in the OpenFox Messenger Weather folder.

FIXES

The following items have been fixed as well.

- Traditionally, the Kansas message switch has not had the ability to send BOLOs out of state. CPI was able to provide this capability for us. BOLO destinations can now include out of state ORIs and 2-character state codes other than KS.
- When modifying an operator’s license year entry in a Kansas Misdemeanor Warrant record, you can now modify just the OLY field without having to change the OLN at the same time and then changing the OLN back.

Continued on page 13

NEWS FROM THE KBI HELP DESK

BY WILSON WILEY, JAVIER BARAJAS, AND JEFFREY DOWNING- CONTINUED

- All OLY and LIY fields in NCIC supplemental forms have been fixed to allow alphabetic characters as well as numeric (for use with values of NX and UNKN).
- When running a KCS and the return includes a positive hit from the Hotfiles, the message will be indicated in blue and play the hit notification sound in OpenFox Messenger.
- Trouble Node functionality was implemented in the message switch on June 24, 2012.

REMINDERS

Message Queues - The message queue limit for the Central Message Switch is only 50,000 messages statewide. Any terminals in your agency that are set up as a member to a broadcast group (ex. Weather, DIV 1, I70, etc.) should be logged into daily. This helps to maintain the overall service quality of the central message switch to ensure that everyone has access to the information they need in a timely manner. If you have a terminal in a broadcast group that no longer needs to receive some of the broadcast messages please contact the KBI Help Desk by email and let them know which broadcast groups need to be removed from the terminal.

Acknowledgement Message - If your agency prefers not to receive the acknowledgement message from the switch when a transaction is submitted, please send an email to the KBI Help Desk (helpdesk@kbi.state.ks.us) listing which terminals at your agency you would like to remove the ACK message from. Also note when submitting administrative messages such as a KAM, AM, KYQ, or KYR, there will be no notice in the Inbox confirming the message switch has received your transaction. You can go into your sent folder in OpenFox to verify messages have been submitted.

Archive & Retrieval - If you are running a Archive & Retrieval search in OpenFox over a period of more than one day you will need to leave the time fields blank. Currently in Archive & Retrieval if you put times into the beginning and ending time fields but have different start and end dates Archive & Retrieval will only search during the specified times for each of those days, i.e. it won't start at the beginning time of the beginning date and go all the way through the ending time of the ending date. This is a future enhancement for Archive & Retrieval that is on CPI's list to fix.



Frequently Asked Questions

TINA ORTEGA—IDENTIFICATION UNIT -KBI

Q: Can we send our own LE Applicants via livescan?

A: Yes you can send your own agencies LE employees free of charge via livescan. They **must** be submitted with the correct codes.

- Reason Fingerprinted - 30- Criminal Justice
- Type of card - 43
- Fee Code - No Charge
- Trans Code - MAP
- Search Code - Other
- Fingerprint Code - Submitting Agencies ORI

Sheriff's Offices may also submit Carry Conceal via Livescan with approval of the Attorney General's Office. Please contact Tina Ortega @ 785-296-4483 for more information.

Q: Can we correct mistakes made when submitting via Livescan?

A: Yes you can make corrections via Livescan, and here are a couple of steps you should take.

- Your Livescan has a resubmission button. In order to resend it correctly you **must** change the resubmission flag to "Y" for yes. This allows the FBI to recognize it as a resubmission correction and **NOT** a duplicate.
- If you choose to resubmit via Livescan you **DO NOT** need to fill out the Change of Criminal History form. Records and Ident share information internally to make sure changes are updated.
- If you choose not to send the corrections electronically please fill out a Change of Criminal History form. You can access it on our KBI web at www.accesskansas.org/kbi/info/ISDLinks.shtml.



SARA FOSTER—KBIRS UNIT—KBI**Q: If the victim does not wish to press charges, is an offense report still required?**

A: Yes. The Incident Based Reporting System is not based on charges filed. If a reportable offense occurs, it does not matter if the victim does not wish to pursue criminal charges. The offense still occurred and must be reported. The offense report can be exceptionally cleared if a suspect is known.

Q: If my agency (agency a) reports the theft of property and another agency (agency b) recovers the property, which agency reports the recovery?

A: The original jurisdiction from which the property was stolen must report the property as recovered. Which means your agency would submit a copy of the original KSOR marked as “add” and provide the IBR Section with the value of each piece of property upon its recover as well as the recovery date.

Q: My agency conducted an arrest on five burglary warrants. Do we assign one case number for each warrant or should we submit the original case number on the Kansas Standard Arrest Report?

A: The arrest report should be submitted using the original case numbers that were submitted on the offense report.

Q: A residence has a shed out back that is burglarized. Is the premise code 35-Storage Facility?

A: No. 35-Storage Facility is only for commercial storage units and warehouses. Sheds at residences and other locations that are non-commercial should be reported as 43-Temporary Structures (barn, detached storage shed)

JESSICA DULTMEIER—OFFENDER REGISTRATION UNIT—KBI**Q. Are offender's employer's addresses listed on the KBI website?**

A. No, as of July 1, 2012 per **K.S.A. 22-4909**

(b) Any information posted on an internet website sponsored or created by a registering law enforcement agency or the Kansas bureau of investigation shall identify, in a prominent manner, whether an offender is a sex offender, a violent offender or a drug offender. Such internet websites shall include the following information for each offender:

(a), information posted on an internet website sponsored or created by a registering law enforcement agency or the Kansas bureau of investigation shall not contain the address of any place where the offender is an employee or any other information about where the offender works. Such internet website shall contain a statement that employment information is publicly available and may be obtained by contacting the appropriate registering law enforcement agency or by signing up for community notification through the official website of the Kansas bureau of investigation.

Q. What criteria are used to define where an offender resides, attends school or is employed?

A. (h) “School” means any public or private educational institution, including, but not limited to, postsecondary school, college, university, community college, secondary school, high school, junior high school, middle school, elementary school, trade school, vocational school or professional school providing training or education to an offender for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(i) “Employment” means any full-time, part-time, transient, day-labor employment or volunteer work, with or without compensation, for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(j) “Reside” means to stay, sleep or maintain with regularity or temporarily one’s person and property in a particular place other than a location where the offender is incarcerated. It shall be presumed that an offender resides at any and all locations where the offender stays, sleeps or maintains the offender’s person for three or more consecutive days or parts of days, or for ten or more non-consecutive days in a period of 30 consecutive days.

SHERI SHARP—RECORDS UNIT—KBI

Q: When I arrest someone on a warrant for another agency, who's ORI do I use as the arresting agency?

A: When you submit a fingerprint card you will use the ORI for your agency when you arrest someone on a warrant from another agency.

Q: When I arrest someone on a warrant for another agency, do I need to fingerprint them on a separate arrest card?

A: No. When your agency arrests someone and then discovers the offender has additional warrants, you can report all the offenses on the one fingerprint card. It is not necessary to create a set of fingerprints for each warrant.

Please review the article "Reporting Multiple Warrants and/or Charges on a Fingerprint Card" included in this newsletter for more detailed information.

Q: I work in a court and a court conviction was appealed, how do I report the appeal to the KBI?

A: The court that heard the original case should submit the Kansas Disposition Report (KDR) showing the original conviction and sentencing information to the KBI Central Repository. The court hearing the appeal should report the journal entry with the results of the appeal. A second KDR may be necessary from the original court if the appeal requires the conviction be remanded back to the original court for resentencing.

For example, if a municipal court convicts on a charge, it is the responsibility of the municipal court to send the KBI a KDR with the disposition information. The municipal court may know that the charges are going to be appealed. The municipal court does not need to wait for the appeal decision before sending the KDR.

Once the municipal court charges are appealed the district court will be responsible for sending the appeal journal to the KBI. The appeal document is needed before the KBI can update the rapsheet information.

The KBI will still need to have both the original KDR as well as the appeal documents so the rapsheet can have all the correct information available for criminal justice agencies and the public.



JOHN GAUNTT—DNA DATABANK—KBI

Question: Does DNA collection apply to juveniles?

Answer: The same law, KSA 21-2511, applies to both adults and juveniles. In short, any person arrested for a qualifying crime **shall** be collected if the offender has no prior criminal history **or** has not been collected for the DNA Databank from earlier crimes. The DNA Databank is linked to the KCJIS record check; so the easiest way to find out if an offender needs to be collected is through a KCJIS record check. If the offender has no KCJIS criminal history, this is what you will see:

There were no results returned.

[Submit DNA sample](#)

If the offender has Kansas criminal history but a DNA Databank has not been collected, this is what you will see:

DNA Sample On File : N
[Submit DNA sample](#)

The guiding statute for the DNA Databank is KSA 21-2511. This law includes how DNA collection has evolved over the last twenty years. At first glance, you may not locate the current standard. Scan down the statute to 21-2511(e)(2) and you will see that “**any adult arrested or charged or juvenile placed in custody** for or charged with the commission or attempted commission of any felony” “shall be required to submit such specimen or sample at the same time such person is fingerprinted pursuant to the booking procedure”.

Once a sample is collected, it would be processed just like any other DNA sample and uploaded into CODIS. All of these DNA samples will be compared to the DNA from evidence of unsolved crimes across the country.

The mission of the DNA Databank and CODIS is to give law enforcement an assist on the unsolved, no suspect cases. And it works. That is why it is so very important to collect a DNA sample from a qualifying offender, regardless of age.

If your agency has any question about submission to the DNA Databank, please contact one of these staff employees:

John Gauntt: 785-296-8329 john.gauntt@kbi.state.ks.us

Marilyn Timberlake: 785-296-5461 marilyn.timberlake@kbi.state.ks.us

Jessica Watts 785-296-5083 jessica.watts@kbi.state.ks.us

Question: In my investigation, I have crime scene evidence with potential DNA results. I want to use the DNA Databank sample from my suspect as comparison to the evidence. Is this okay?

Answer: We get this type of question fairly often. Remember, the DNA Databank is a tool for the unsolved cases that have no suspect. Second, the DNA Databank is much like a probable cause search. Even if you get a CODIS hit, there is still work left to do to solve the case and convict the offender.

JOHN GUANTT—DNA DATABANK—KBI—CONTINUED

On a CODIS hit, the Databank notifies the case agency that an offender has been linked to an item of evidence. The law enforcement agency is tasked to locate the offender named in the documentation and collect a DNA sample from him. This CODIS hit gives law enforcement and the prosecutor enough probable cause to get a search warrant for a DNA sample. An officer would collect the DNA sample, called a known standard, on a sterile cotton swab as an additional item of evidence. The officer then submits the sample with a secure chain of custody to the forensic laboratory that examined the case evidence. Once the lab receives the known, it would be compared to the evidence.

The CODIS hit provided the officer and prosecutor with probable cause for a suspect known. The hit also gave them with an opportunity to review the case with this CODIS hit information and elect to arrest the offender, if they so choose.

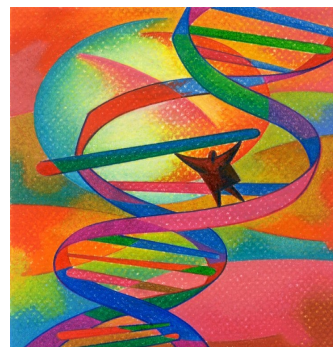
A request to use the DNA Databank sample as a suspect known is not allowed for a couple other reasons. The DNA sample was not collected as a piece of evidence, and it does not have a secure chain of custody. The Databank sample was more than likely collected during the booking process and sent through the Postal Service to the Databank for processing. The DNA Databank sample is much like a probable cause comparison for cases that up to that point were unsolved and without a suspect.

We suggest that if an investigating agency has a case with biological evidence, the officer should review all of the factors that caused an individual to be the suspect. With that information, we hope that the officer can acquire consent from the suspect or obtain a search warrant from his prosecutor to collect a DNA sample.

There are occasions when the investigating agency is reluctant to contact the suspect to collect a consent known. Depending on the case, we realize that any request of the suspect could compromise the investigation. The agency should inform the laboratory with this information, so we can review what can be done with the evidence submissions. In many cases, particularly in sexual assaults, a screening of the evidence can provide enough information to give the agency and prosecutor adequate probable cause for a search warrant to get that known standard.

If the case suspect is eliminated, the officer could expect that the next option is an automatic. He would expect that the evidence profile is going to be uploaded into CODIS and compared to all of the offenders from the country's DNA Databanks. Unfortunately, an evidence DNA profile may be inadequate for a CODIS search. In fact, most of the evidence DNA profiles are insufficient to qualify for CODIS. The standards for an evidence profile to be entered into CODIS are much higher than a one-to-one comparison in the laboratory.

If you have any question, please contact us at your convenience.





KBI

Molly Bickel
1620 SW Tyler
Topeka, KS 66612

Phone: 785-296-8266
Email: molly.bickel@kbi.state.ks.us

The KCJIS NEWSLETTER is published by the Kansas

Criminal Justice Coordinating Council

Derek Schmidt
Chairman
Attorney General

Sam Brownback
Vice Chair
Governor

Council Members:

Kirk Thompson, Director
Kansas Bureau of Investigation

Justice Nancy Moritz,
Chief Justice Designee

Ray Roberts, Secretary of
The Kansas Department of Corrections

Ernest Garcia, Superintendent of
The Kansas Highway Patrol

Curtis Whitten, Commissioner
Juvenile Justice Authority

Caleb Stegall,
Governor Designee

Lee Davidson, Attorney
General Designee